

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

4094 / 95249 / 95249

FILE: B-167266

DATE: July 15, 1974

MATTER OF: Pay adjustments for Government Printing Office employees

DIGEST: The Public Printer may make retroactive pay adjustments for General Grade employees of the Government Printing Office, similar to those granted other Federal employees by E.O. 11777, under the authority of 5 U.S.C. 5307 which provides that pay rates set administratively may be adjusted effective at the beginning of the first applicable pay period commencing on or after the day a pay adjustment becomes effective for employees paid under statutory pay systems.

The Public Printer has requested an opinion as to whether he has the authority to make pay adjustments for General Grade employees of the Government Printing Office similar to those granted General Schedule employees of the Federal Service under Executive Order 11777, April 12, 1974, 39 Fed. Reg. 13519.

On December 15, 1972, President Nixon issued Executive Order 11691, 37 Fed. Reg. 27607, increasing the rates of basic pay of General Schedule employees and certain others effective as of the first day of the first applicable pay period beginning on or after January 1, 1973. The Public Printer, consistent with the traditional policy of adjusting the pay rates of the Government Printing Office's General Grade employees to conform with the General Schedule, issued on January 3, 1973, Notice 640-29 ordering that "the applicable provisions contained in Executive Order 11691 * * * be applied to all annual salaried employees of the Government Printing Office, except those occupying positions paying a single annual rate," effective on January 7, 1973.

Subsequently, the President issued Executive Order 11777 amending Executive Order 11691 by providing that the pay raises granted by Executive Order 11691 were to be effective as of the first day of the first applicable pay period beginning on or after October 1, 1972.

The Public Printer indicates that had the pay raises originally been effective in October "it is a certainty" that similar raises would have been adopted for Government Printing Office General Grade

employees at that time. Therefore, he inquires as to what authority he may use now to compensate General Grade employees for the period from October 1, 1972, to January 6, 1973, in conformity with the retroactive increase of pay for General Schedule employees.

Rates of pay for employees of the Government Printing Office are established administratively by the Public Printer under the provisions of 44 U.S.C. 305. Section 5307 of title 5, United States Code, provides that rates of pay of employees in the legislative, executive and judicial branches whose pay rates are fixed by administrative action may be adjusted "effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under section 5305 of this title." Section 5305 provides for adjustments in rates of pay of statutory pay systems such as those implemented by Executive Orders 11691 and 11777. We have recognized previously that the primary purpose of section 5307 was to provide authority to grant salary increases to employees whose pay is fixed by administrative action retroactive to the same date as might be authorized for employees subject to statutory pay systems. 51 Comp. Gen. 709, 713 (1972).

Further, paragraph 8 of Federal Personnel Manual Bulletin No. 531-66, May 9, 1974, issued by the Civil Service Commission setting forth guidelines for the implementation of Executive Order 11777, provides as follows:

"8. Agencies which have administratively determined pay rates which were adjusted in January 1973 as a result of the General Schedule pay adjustment may retroactively change the effective date of their pay adjustment to October 1972 to conform with this change in the effective date of the General Schedule pay adjustment. The authority for this action is section 5307 of title 5, United States Code. If an agency's regulations require that the administratively determined pay rates be adjusted at the same time as the General Schedule, this retroactive change in effective date is mandatory rather than permissive. It should be noted that only the effective date, and not the amount, of administratively determined pay rates may be changed."

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Accordingly, the Public Printer may proceed under 5 U.S.C. 5307 to effect a pay adjustment for General Grade employees of the Government Printing Office for the period from October 1, 1972, to January 6, 1973.

REPTILES

[Deputy] Comptroller General
of the United States